

Senate Bill 135

By: Senator Hudgens of the 47th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that a religious nonprofit organization which enters into a health care cost sharing arrangement with its members shall not be considered an insurance company, health maintenance organization, or health benefit plan of any class, kind, or character and shall not be subject to any laws related to such; to provide for definitions; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding a new Code section to read as follows:

"33-1-19.

(a) As used in this Code section, the term:

(1) 'Health care cost sharing arrangement' means an arrangement between a religious nonprofit organization and members of such organization in which the nonprofit organization:

(A) Acts as an organizational clearing-house for information between members or subscribers who have financial, physical, or medical needs and members or subscribers with the present ability to assist those with present financial or medical needs;

(B) Provides for the financial or medical needs of a member or subscriber through gifts directly from one member or subscriber to another, which may be accomplished by a trust established solely for the benefit of members or subscribers, which trust is audited annually by an independent auditing firm;

(C) Provides amounts that members or subscribers may give with no assumption of risk or promise to pay either among the members or subscribers or between the members or subscribers and such nonprofit organization;

(D) Provides a written monthly statement to all members or subscribers listing the total dollar amount of qualified needs submitted to such nonprofit organization, as well as the amount actually published or assigned to members or subscribers for voluntary payment; and

(E) Provides the following written disclaimer in substantially the same form on or accompanying all promotional documents distributed by or on behalf of the nonprofit organization, including applications and guideline materials:

'NOTICE: This publication is not an insurance policy nor is it offered through an insurance company. Whether anyone chooses to assist you with your medical bills will be totally voluntary, as no other subscriber or member will be compelled to contribute toward your medical bills. As such, this publication should never be considered to be insurance. Whether you receive any payments for medical expenses and whether or not this publication continues to operate, you are always personally responsible for the payment of your own medical bills.'

(2) 'Nonprofit organization' means a nonprofit corporation qualified as exempt from federal income taxation under Section 501(c) of the Internal Revenue Code.

(b) A religious nonprofit organization which has entered into a health care cost sharing arrangement with its members shall not be considered an insurance company, health maintenance organization, or health benefit plan of any class, kind, or character and shall not be subject to any laws respecting insurance companies, health maintenance organizations, or health benefit plans of any class, kind, or character in this state or subject to regulation under such laws, including, but not limited to, the provisions of this title, and shall not be subject to the jurisdiction of the Commissioner of Insurance."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.